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HOUSE BILL 327

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Gloria C. Vaughn

AN ACT

RELATING TO RAILROADS; CHANGING REQUIREMENTS FOR AUDIBLE SAFETY WARNINGS AT GRADE CROSSINGS; PROVIDING AN ALTERNATIVE WARNING SYSTEM AT GRADE CROSSINGS; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 63-3-34 NMSA 1978 (being Laws 1878, Chapter 1, Section 8-1, as amended) is amended to read:

"63-3-34. SAFETY WARNINGS AT GRADE CROSSINGS--PENALTY--EXCEPTION.--[~~SEC. 53. Every railroad corporation shall cause a bell of at least twenty pounds weight to be attached to each of its locomotives and shall cause the same to be rung at a distance of not less than eighty rods from the crossing of any public street, road or highway, under a penalty of one hundred dollars to be recovered by action in the name of the state in any court of competent jurisdiction, one-half of which shall go~~

underscored material = new
[bracketed material] = delete

underscored material = new
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1 ~~to the informer and the other half of which shall go to the~~
2 ~~state and such corporation shall also be liable for all damages~~
3 ~~which may be sustained by any person by reason of noncompliance~~
4 ~~with the provisions of this section.]~~

5 A. A railroad corporation shall require that the
6 locomotive whistle be sounded and the locomotive bell be rung
7 by a train approaching a grade crossing. The public regulation
8 commission shall ensure that warning devices and the manner of
9 warning comply with federal standards governing railroad
10 safety. Violators of this subsection shall be fined one
11 hundred dollars (\$100), one-half of which shall go to the
12 informer and one-half of which shall go to the state. The
13 railroad corporation shall also be liable for damages sustained
14 as a result of noncompliance with the provisions of this
15 subsection.

16 B. Notwithstanding the provisions of Subsection A
17 of this section, municipalities and counties shall have the
18 authority to enter into agreements with federal agencies that
19 regulate railroads to design and implement safety measures that
20 do not use audible warnings from locomotives to protect persons
21 crossing at grade crossings. If a nonaudible warning agreement
22 is in place, a railroad corporation and its agents and
23 employees shall not be liable for damages for injuries alleged
24 to have been caused in whole or in part by failure to give an
25 audible warning."

154080.1